

United States District Court
Northern District of Alabama
Eastern Division

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

Frankie L. Johnson, #196870
Plaintiff,

vs.

Case No.: CV-1928-WMA-SGC.

Officer, Joe F. Mangione, et. al
Defendants.

Plaintiff's Motion To Amend His
Complaint Pursuant To Rule 15, Fed. R. Civ. P.

Come now the Plaintiff Frankie L.
Johnson, #196870 who respectfully
moves this Court pursuant to Rule
15(a), Fed. R. Civ. Proc., and desires this
noble court to allow him to amend
his initial Civil Complaint and ori-
ginal pleadings, state the following
material facts, and asserts to-wit:

Plaintiff's Cognizable Amendment of Constitutional Claim For Relief

The Plaintiff, Frankie L. Johnson, hereby cognizably contends that while the Defendant Correctional Officer-Newcomb acted under the color of law, in his individual capacity for the St. Clair Correctional Facility, knowingly and incompetently violated the Plaintiff's 8th Amendment Constitutional Right to protection from inmate assaults, whereupon, the Defendant knew of the danger, or where the threat of violence was so pervasive, that the Defendant's knowledge can be inferred; whereas, the Defendant - incompetently failed to take the necessary steps which may have prevented the harm; therefore, the risk of such a nature and degree here, and to disregard it, was a gross deviation from the standard of care a Correctional Officer should have exercised in this situation.

Gardner v. Cato, 841 F.2d 105, 107 (5th Cir. 1988)

Brief Statement Of Facts

1.) As to the matters that relate back to the Original Complaint, Officer Joe F. Mancione was inadvertently named as a Defendant whom, was assigned as the designated Correctional Officer who was stationed in P-Dorm's Cubicle Control Tower on September 12th, 2013.

2.) On the above mentioned date at approximately 1:00 am during the facility's population lock-down hours, the Defendant, Officer-Newcomb was the designated P-Dorm Cube Officer, whom controls the locking mechanism to all of the individual cells in the cellblock; whereas, on the above mentioned date and time Inmate, Key Grace was outside of his assigned cell without authorization accessing the cellblock's upper and lower levels back and forth.

3.) Accordingly, Inmate-Key Grace approached the Security Cube according to eyewitnesses and threaten to do serious bodily harm to the

4.

Plaintiff; herewith, Inmate-Grace continued to race the cellblock, and also proceeded to the cellblock's - microwave and heated a homemade chemical bomb. Specifically, immediately after Inmate-Grace heard the locking-mechanism released on the Plaintiff's assigned cell's door, in haste, rushed into the Plaintiff's cell while he was still asleep.

d.) After Inmate-Grace entered the Plaintiff's cell, he assaulted the Plaintiff by throwing the liquefied homemade hair-removal bomb onto the Plaintiff; whereupon, the mixture caused extreme chemical burns to the Plaintiff's face, arm, chest, and stomach areas; nonetheless, the Plaintiff was awakened from the intense burns from the liquefied chemical bomb and fled his assigned cell covered in the homemade chemical, which the Defendant-Newcomb incompetently exposed the Plaintiff to a known risk of violence that was affected by Inmate Grace's

Which the Defendant, Officer Newcomb breach his duty imposed upon him to protect the Plaintiff and deprived him of the security which he was entitled to even though Officer Newcomb knew that Inmate-Greece by his admission, posed a significant threat and danger to the Plaintiff's safety.

5) Finally, immediately once the Plaintiff exited his cell screaming in pain and a cry for help; Officer Newcomb called a Code; and several officers entered the cell block, and arbitrarily placed handcuffs on the Plaintiff and escorted him to the facility's infirmary.

Wherefore, the Plaintiff, Frankie L. Johnson request that the above foregoing motion to amend the Complaint be granted as a matter of course and pursuant to Rule 15(c), Fed. R. Civ. Proc., and also, Younger v. Chernovetz, 792 F. Supp. 173, 176 (D. Conn. 1992), and Doe v. Calumet City, 111, 128 F.R.D. 93, 94-95 (N.D. Ill. 1989).

By Frankie Johnson
Frankie L. Johnson